

Serial No.: 10/773,242
Docket No.: 956-1001
Amendment dated May 2, 2006
Reply to the Office Action of December 2, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 3. This sheet, which includes FIG. 3, replaces the original sheet including FIG. 3.

Attachment: Replacement Sheet

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REMARKS

Introduction

Applicant notes with appreciation the Examiner's indication that claim 5 would be allowable if rewritten in independent form.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application. Claims 1-3, 8, and 10 have been amended. New claims 13-20 have been added. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Objections

Specification

The Examiner has objected to the specification due to minor informalities. Applicant has amended the specification to correct these minor informalities. Other portions of the specification have been amended to make minor corrections. Accordingly, Applicant respectfully requests that the Examiner withdraw the objections to the specification.

Claims

The Examiner has objected to claims 1, 2, and 8 due to minor informalities. Applicant has amended claims 1, 2 and 8 to correct these minor informalities. Accordingly, Applicant respectfully requests that the Examiner withdraw the objections to claims 1, 2 and 8.

Drawings

The Examiner has objected to FIGS. 3 and 4. FIG. 3 has been amended so that reference number 830a properly references the auxiliary leg 830a. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to FIG. 3.

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With respect to the objection of FIG.4, paragraph 32 has been amended to correct the reference numbers 520 and 520a to refer to the foot pressure plate 21 and the spinal corrector 11. Accordingly, Applicant respectfully requests that the Examiner's objections to the drawings be withdrawn in view of the amendments to the drawings and the specification.

Rejection under 35 USC §112

The Examiner has rejected claim 3 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for "failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention," since "[i]t is unclear exactly what is covered with the leather." See Office Action of Dec. 2, 2005, page 4.

Claim 3 has been amended to recite that "a surface of urethane having a space forming an interior portion thereof so that the spinal corrector and the foot pressure plate can operate in the space, a leather covering the surface of urethane." This feature is described at paragraphs 51, 54, and 56 of the specification and shown in FIGS. 2 and 4 as the leather covering 730 and 730a placed over the urethane 720 and 720a. Accordingly, Applicant respectfully submits that claim 3, as presently recited, is not indefinite, and therefore meets the requirements of §112, and withdrawal of the rejection of this claim is respectfully solicited.

Rejection under 35 USC §103

Claims 1, 2, 4, 8 and 10-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,656,138 to Kim in view of U.S. Patent No. 6,431,086 to Lloyd. Applicant respectfully requests reconsideration of these claims for at least the following reasons.

Claim 1

At page 4 of the Office Action, the Examiner alleges that Kim "discloses a personal thermotherapy instrument attached to a frame comprising 'an upper therapy mat on which a

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spinal corrector moving forward and backward a therapy director having a roller or a pressure bead type shape member is installed, and a lower therapy mat on which a foot pressure plate is installed." See Office Action of Dec. 5, 2005, pages 4-5. Thus, the Examiner is apparently relying on a vertebral correction means 400 that performs "a technique for raising the waist of the user to a predetermined height and tightening and relaxing the vertebral acupuncture point," described at column 3, lines 19-36 of Kim, as allegedly teaching Applicant's "therapy director." However, Applicant submits that the vertebral correction means 400 of Kim, on which the Examiner relies, includes a "lift 460 which makes the moving mat 410 bend in a bow shape," when moving the vertical correction means 400 upward. See Kim Col. 4, Lines 54-56. In other words, it is evident from FIGS. 7 and 8 that the lift 460 does not move the vertebral correction means 400 "forward and backward," but instead moves the vertebral correction means 400 up and down. Furthermore, it is also clear from FIGS. 7 and 8 that the lift 460 does not move the vertebral correction means 400 "with respect to" a moving mat 410, but instead moves a treatment unit 110 up and down along with the moving mat 410. Accordingly, for at least the reasons that (1) the lift 460 shown in Kim does not move the treatment unit 110 "forward and backward," and (2) the lift 460 does not move the treatment unit 110 "with respect to" the moving mat 410, Kim does not teach or suggest "an upper therapy mat on which a spinal corrector moves forward and backward, a therapy director to move the spinal corrector with respect to the upper therapy mat," as presently recited in independent claim 1 of Applicant's invention. Applicant further submits that Lloyd does not teach or suggest the features which are lacking in Kim. Accordingly, Kim and Lloyd, taken alone or in combination with one another, fail to teach or suggest every feature as claimed in independent claim 1 of Applicant's invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim elements. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since Kim and Lloyd, either alone or in combination with one another, fail to teach or suggest each element as presently recited in independent claim 1, Kim and Lloyd, either alone or in combination with one

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another, cannot be properly used to reject independent claim 1 under 35 U.S.C. § 103. Therefore, it is respectfully submitted that independent claim 1 is allowable over Kim and Lloyd, either alone or in combination with one another, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Applicant respectfully submits that for at least the reason that each of claims 2, 4, and 8 depend from independent claim 1, and therefore contain all of the features as presently recited in independent claim 1, these claims are also patentable over Kim and Lloyd, either alone or in combination. Accordingly, withdrawal of the rejection and allowance of these claims are earnestly solicited.

Claim 10

As stated above, the Examiner is apparently relying on the vertebral correction means 400 that performs "a technique for raising the waist of the user to a predetermined height and tightening and relaxing the vertebral acupuncture point," described at column 3, lines 19-36 of Kim, as allegedly teaching Applicant's "therapy director." However, independent claim 10 presently recites "a first therapy component having a mat disposed on the first frame and a therapy director being movable along the mat." It is evident from FIG. 8 of Kim that the lift 460 is not "movable along the mat," but rather the lift 460 moves the vertebral correction mean 400 up and down along with the moving mat 410. Accordingly, for at least the reason that the lift 460 of Kim does not move "along the mat," Kim does not teach or suggest "a first therapy component having a mat disposed on the first frame and a therapy director being movable along the mat," as presently recited in independent claim 10 of Applicant's invention. Applicant further submits that Lloyd does not teach or suggest the features which are lacking in Kim. Accordingly, Kim and Lloyd, taken alone or in combination with one another, fail to teach or suggest every feature as claimed in independent claim 10 of Applicant's invention.

Applicant respectfully submits that for at least the reason that each of claims 11 and 12 depend from independent claim 10, and therefore contain all of the features as presently recited in independent claim 10, these claims are also patentable over Kim and Lloyd, either alone or in

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combination. Accordingly, withdrawal of the rejection and allowance of these claims are earnestly solicited.

Claim 3

Claim 3 has been rejected under 35 USC §103(a) as being unpatentable over Kim in view of Lloyd, and further in view of U.S. Patent No. 5,974,979 to Grady et al. Applicant respectfully requests reconsideration of this claim for at least the following reason.

Claim 3 indirectly depends from independent claim 1, and therefore includes the features as presently recited in independent claim 1. The Examiner acknowledges that Kim and Lloyd do not teach "by covering with a leather, a surface of urethane." See Office Action of Dec. 2, 2005, page 8. However, the Examiner relies on Grady et al. to allegedly teach or suggest the features admittedly lacking in Kim and Lloyd. See Office Action of Dec. 2, 2005, page 8. Applicant respectfully submits that even if motivation was present to combine Kim with Lloyd and Grady et al. to describe covering a surface with leather, as alleged by the Examiner, Kim, Lloyd, and Grady et al., either separately or in combination, fail to teach or suggest, among other things, "an upper therapy mat on which a spinal corrector moves forward and backward, a therapy director to move the spinal corrector with respect to the upper therapy mat and having a roller or pressure bead type shape member installed thereon, and a lower therapy mat on which a foot pressure plate is installed," as presently recited in independent claim 1 of Applicant's invention. Accordingly, claim 3 is patentable over the references relied upon by the Examiner, and withdrawal of the rejection and allowance of this claim are earnestly solicited.

Claim 6, 7, and 9

Claim 6, 7, and 9 have been rejected under 35 USC §103(a) as being unpatentable over Kim in view of Lloyd, and further in view of U.S. Patent 5,283,919 to Grant. Applicant respectfully requests reconsideration of these claims for at least the following reason.

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Claims 6, 7, and 9 directly or indirectly depend from independent claim 1, and therefore include the features as presently recited in independent claim 1. The Examiner acknowledges that Kim and Lloyd do not teach "a stop pin," or "a stop hook." See Office Action of Dec. 2, 2005, page 9. However, the Examiner relies on Grant to allegedly teach or suggest the features admittedly lacking in Kim and Lloyd. See Office Action of Dec. 2, 2005, page 9. Applicant respectfully submits that even if it is assumed that motivation was present to combine Kim with Lloyd and Grant to describe a pin and hook lock, as alleged by the Examiner, Kim, Lloyd, and Grant, either separately or in combination, fail to teach or suggest, among other things, "an upper therapy mat on which a spinal corrector moves forward and backward, a therapy director to move the spinal corrector with respect to the upper therapy mat and having a roller or pressure bead type shape member installed thereon, and a lower therapy mat on which a foot pressure plate is installed," as presently recited in independent claim 1 of Applicant's invention. Accordingly, claims 6, 7, and 9 are patentable over the references relied upon by the Examiner, and withdrawal of the rejection and allowance of these claims are earnestly solicited.

New Claims

Claims 13-20 have been newly added. New independent claim 13 recites features which are not, disclosed, taught, or suggested by the prior art of record, for example, "a therapy unit having a therapy director being movable back and forth with respect to the mat." New dependent claims 14-20 further define the features recited in independent claim 13.

Applicant respectfully submits that support for newly added claim 13 can be found in FIGS. 1-3 and corresponding portions of the detailed description. For example, support for the features recited in claims 14-17 can be found in FIGS. 1-3 and in the specification at paragraph 30. Support for the features recited in claim 18 can be found, for example, in FIG. 5 and paragraph 67. Support for the features recited in claim 19 can be found, for example, in FIG. 7 and paragraphs 38 and 58. Support for the features recited in claim 20 can be found, for example, in FIGS. 3 and 4 and paragraphs 51 and 54. Accordingly, it is respectfully submitted that new claims 13-20 do not present new matter, and are allowable over the prior art of record, and allowance of these claims is earnestly solicited.

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Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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